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LETTER DATED 25 AUGUST 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to paragraph 2 of Security Council resolution 1011 (1995) of 16 August 1995. In its resolution, the Council requested me, in accordance with paragraph 45 of my progress report (S/1995/678) dated 8 August 1995, to make recommendations, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandese government forces in the Great Lakes region of Central Africa.

In that report, I indicated that some Governments had expressed an interest in the establishment, under United Nations auspices, of an international commission to investigate allegations of arms deliveries to members of the former Rwandese government forces. I also expressed the hope that all Governments concerned would support such an initiative and said that I would submit recommendations to the Security Council on this matter. My recommendations are set out below.

The basic terms of reference of the proposed Commission, as defined in paragraph 2 of resolution 1011 (1995), seem to me adequate. The Commission would collect information and investigate reports relating to the sale or supply of arms and related matériel to former Rwandese government forces in violation of the embargo imposed under Security Council resolutions 918 (1994) of 17 May 1994 and 1011 (1995) of 16 August 1995. It would also investigate allegations that such forces were receiving military training in order to destabilize Rwanda. The Commission would attempt to identify parties aiding or abetting the illegal acquisition of arms by former Rwandese government forces, and recommend measures to curb the illegal flow of arms in the subregion.

The Commission would need the freedom to obtain from all relevant sources information it considered necessary to carry out its work, including the review of information from investigations of other persons or bodies. In this connection, the Security Council should, as appropriate, request States, international and other organizations and private individuals to provide whatever relevant information they may have to the Commission as soon as possible and to furnish any other assistance that may be required. In addition,

any information collected by the Sanctions Committee established under resolution 918 (1994) should be made available to the Commission.

To carry out its mandate effectively, the Commission would need to have the full cooperation and support of the Governments in whose territories it would conduct investigations. These Governments would be requested to take appropriate measures to guarantee the safety and security of the members of the Commission and to ensure that they have the necessary freedom of movement and contacts in order to conduct their investigations. The Commission would require free access, without prior notification, to all sites it deemed necessary for its work, including border points, air fields, refugee camps and other relevant locations. It would also have to be free to interview any person in private, without prior notification. The Governments concerned would have to respect the integrity and freedom of witnesses, experts and other persons who may be called by the Commission, including guaranteeing their security.

The Commission would be composed of an eminent person, appointed by the Secretary-General, who would serve as its Chairman, assisted by 5 to 10 legal, military and police experts and the appropriate support staff. These experts would be contributed by Member States, at the request of the Secretary-General, but would be paid by the United Nations and would serve in their personal capacity.

Commission members should be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations. The members of the Commission would have the status of experts on mission in accordance with article VI of the Convention and any staff of the Secretariat attached to the Commission would have the status of officials in accordance with articles V and VII of the Convention.

The proposal to establish such a Commission was initially made by the Government of Zaire. In its note verbale of 10 August to the President of the Security Council (S/1995/683), the Government of Zaire reiterated its support for this idea and offered to assist an international commission of inquiry established under United Nations auspices. I therefore recommend that the Commission commence its work in Zaire. In the meantime, I would pursue my consultations with the other concerned countries in the region, so that the Commission could, in due course, extend its work to these countries.

The Commission would submit an initial report on its findings to the Security Council, through the Secretary-General, within three months of commencing its work. It would submit a final report, including its recommendations, as soon as possible thereafter.

Should the Security Council decide to establish such a Commission, I recommend that it be financed through the regular budget of the United Nations. However, pending approval of its budget by the relevant bodies, I would call upon Member States to provide voluntary contributions through the Secretary-General's Trust Fund for Rwanda so that the Commission could begin its work immediately.

As I noted in my report of 8 August (S/1995/678), during my visit to the subregion last July, it was widely recognized by the Governments concerned that destabilizing influences, including the illegal acquisition of arms, could be prevented through cooperative efforts. I believe that a Commission of Inquiry on the lines described in this letter would be an important element in preventing renewed conflict in the region, provided that it enjoyed the support and cooperation of all concerned. On this basis, I recommend that the Security Council decide to establish it forthwith.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI